

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 21443 Permit 15255 License _____

**ORDER APPROVING GRIZZLY VALLEY DAM OPERATION AGREEMENT
OF MARCH 31, 1994 AND CORRECTING CALIFORNIA
DEPARTMENT OF WATER RESOURCES' WATER RIGHT PERMIT**

WHEREAS:

1. Permit 15255 was issued to the California Department of Water Resources (DWR) on January 5, 1967 pursuant to Application 21443.
2. Condition 15 of the permit states "Minimum downstream releases in Big Grizzly Creek for recreation and fishery enhancement shall be made at the flow rates set forth in the Agreement dated December 7, 1965, between DWR and the Department of Fish and Game (DFG). These releases shall be in addition to quantities of water released for diversion from Big Grizzly Creek pursuant to agreements between DWR and water users. Any changes in the minimum downstream releases agreed to by DWR and DFG shall not become effective until and unless approved by the State Water Rights Board."
3. A DWR June 18, 1996 letter to the Division of Water Rights (Division) requested approval of the revised Agreement of March 31, 1994 for releases from Lake Davis. The United States Department of Agriculture (Forest Service) and DFG concurs with the revised Agreement in their February 25, 1994 and March 31, 1994 letters to DWR.
4. The State Water Resources Control Board (SWRCB) has determined that the revised Agreement for releases from Lake Davis does not constitute the initiation of a new right or operate to the injury of any other lawful user of water. In addition, the releases from Lake Davis will, in general, increase flow in Big Grizzly Creek and improve fishery resources downstream of Lake Davis.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The revised Agreement of March 31, 1994 is approved.
2. Condition 15 of the permit be corrected to read:

Minimum downstream releases in Big Grizzly Creek for recreation and fishery enhancement shall be made at the flow rates set forth in the Agreement dated March 31, 1994 between DWR, the Forest Service, and DFG. These releases shall include the quantities of water released for

Permit 15255 (Application 21443)
Page 2

diversion from Big Grizzly Creek pursuant to agreements between DWR and water users. Any changes in the minimum downstream releases agreed to by DWR and DFG shall not become effective until and unless approved by the Chief of the Division of Water Rights.

Dated: August 22, 1997

David R. Benjamin

for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 21443 PERMIT 15255 LICENSE

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 15255 was issued to State of California, Department of Water Resources on January 5, 1967 pursuant to Application 21443.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (State Water Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit Condition 9 pertaining to the continuing authority of the State Water Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2003

(0000009)

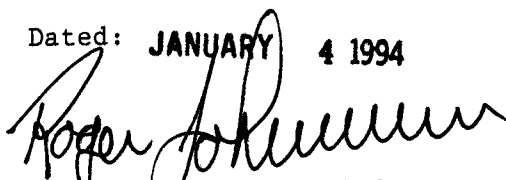
2. Condition 9 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JANUARY 4 1994


for Edward C. Anton, Chief
Division of Water Rights

Permit 15255

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATIONS 16950 and 21443

PERMITS 15254 and 15255

LICENSE _____

ORDER ALLOWING RELEASE OF STORED
WATER FOR HYDROELECTRIC POWER GENERATION
AND FOR SALINITY CONTROL IN THE
SACRAMENTO-SAN JOAQUIN DELTA IN
RESPONSE TO DROUGHT EMERGENCY

WHEREAS:

1. A drought emergency currently exists in California.
2. Two results of the drought are (a) a reduction of water available at the Oroville Power Complex for generation of hydroelectric power, and (b) a reduction of the flow of fresh water into the Sacramento-San Joaquin Delta for salinity control purposes.
3. In response to the emergency, petitions for temporary changes to Permits 15254 and 15255 by addition of points of diversion and places of use, were filed with the State Water Resources Control Board.
4. Permittee proposes to release stored water, not to exceed 40,000 acre-feet, from Lake Davis, along natural waterways, for power generation at Oroville and Thermalito Power Plants and thence to augment flows into the Sacramento and San Joaquin Delta for salinity control.
5. The Board has determined that this release of stored water will not operate to the injury of any other user of water involved and that good cause for such changes has been shown.

NOW, THEREFORE, IT IS ORDERED:

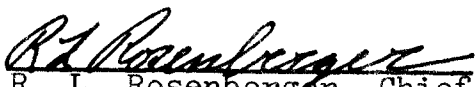
1. That permission is hereby granted under Permits 15254 and 15255 until the end of the present drought emergency or July 1, 1978, whichever comes first, within which to release a maximum of 40,000 acre-feet, from Lake Davis as follows:

NOT MORE THAN 20,000 ACRE-FEET MAY BE RELEASED
IN 1977 AND ANY REMAINDER OF THE 40,000 ACRE-
FEET MAY BE RELEASED IN 1978 PRIOR TO JULY 1,
1978 IF THE DROUGHT CONTINUES.

2. That permission is hereby granted to add the following temporary purposes of use to Permits 15254 and 15255 until July 1, 1978 or the end of the present drought emergency, whichever comes first:

POWER AND SALINITY CONTROL

3. That permission is hereby granted to add the following temporary points of rediversion to Permits 15254 and 15255 until July 1, 1978 or the end of the present drought emergency, whichever comes first, as follows:
 - (A) OROVILLE DAM: BY CALIFORNIA COORDINATES, ZONE 2, N = 681, 581, E = 2, 128, 276 (NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 1, T19N, R4E, MDB&M) *should have been 2, 195, 832 1-3-78*
 - (B) THERMALITO DIVERSION DAM: N = 678, 538, E = 2, 128, 276 (SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 5, T19N, R4E, MDB&M)
4. That permission is hereby granted to temporarily add to the place of use under Permits 15254 and 15255 until the end of the present drought emergency or until July 1, 1978, whichever comes first, the following places of use:
 - (A) OROVILLE POWERHOUSE WITHIN NW $\frac{1}{4}$ OF SEC. 1, T19N, R4E, MDB&M,
 - (B) THERMALITO POWERHOUSE WITHIN NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SEC. 10, T19N, R3E, MDB&M, AND
 - (C) SACRAMENTO-SAN JOAQUIN DELTA AS DEFINED BY THE STATE WATER CODE.
5. That proposed releases of stored water from Lake Davis to Lake Oroville shall be made for the expressed purpose of maintaining minimum power pool level in Lake Oroville, such maintenance preventing a reduction in outflow release capability from the Oroville Dam release structures.
6. That during the effective period of the Board's Emergency Regulation (Section 764.20 of Title 23) and through any subsequent extension of said Regulation, any water released from Lake Davis to Lake Oroville for the purpose of temporary rediversion and temporary change in place of use shall be only for non-consumptive power generation and for salinity control in the Delta.
7. This order is conditioned to and in no way abrogates the agreements dated December 7, 1965 and October 26, 1966 between the Department of Water Resources and the protestants to Applications 16950 and 21443.


R. L. Rosenberger, Chief
Division of Water Rights

Dated: DECEMBER 15 1977

STATE OF CALIFORNIA—RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15255

Application 21443 of State of California, Department of Water Resources
Resources Building, 1416 Ninth Street, Sacramento, California 95814
filed on August 23, 1963, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Name of source(s) :

Tributary to:

- (a) Big Grizzly Creek
(b) Middle Fork Feather River
(c)
(d)
(e)

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner		40-acre subdivision of public land survey or projection thereof		Section	Town- ship	Range	Base and Meridian
Zone 1		NE ¼ of SE ¼	2	23N	13E	MDB&M	
Rediversion at Grizzly Ice Pond Zone 1		NE ¼ of NE ¼	20	23N	14E	MDB&M	
(a) N 204,280 E 2,427,790 Cal. Coord. System		¼ of					
(b) N 187,900 E 2,441,300 Cal. Coord. System		¼ of					
(c)		¼ of					
(d)		¼ of					
(e)		¼ of					

County of Plumas

3. Place of use: Recreational and incidental domestic uses at Lake Davis (Grizzly Valley Reservoir) and adjacent lands in T23N, and T24N, R13E, MDB&M; enhancement of streamflow, recreational, and incidental domestic uses in the natural channel of Big Grizzly Creek downstream from the reservoir; municipal use in Plumas County urban areas; and irrigation of 9,300 net acres within a gross area of 1,645,000 acres in Plumas County, all as shown on map filed with the State Water Rights Board.

4. Purpose(s) of use: Recreational, streamflow enhancement, municipal, irrigation, and incidental domestic.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 34,000 acre-feet per annum by storage to be collected from about October 1 of each year to about June 30 of the succeeding year.

This permit does not authorize collection of water to storage during the period from about July 1 to about September 30 of each season to offset evaporation and seepage losses or for any other purpose. (000 000 5)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants (000 000 6)

~~-Actual construction work shall begin on or before ----- and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.-~~

~~Said construction work shall be completed on or before -----~~

7. Complete application of the water to the proposed use shall be made on or before December 1, 1990. (000 000 8)

8. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued. (000 000 9)

9. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (000 001 2)

10. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000 001 1)

11. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit. (0160400)

12. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the natural stream channel, or provide other means satisfactory to the State Water Rights Board to comply with the preceding paragraph. (0050043)

13. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

14. This permit is subject to compliance by permittee with Water Code Section 10504.5(a). (0000300)

15. Minimum downstream releases in Big Grizzly Creek for recreation and fishery enhancement shall be made at the flow rates set forth in the agreement dated December 7, 1965, between the Department of Water Resources and the Department of Fish and Game. These releases shall be in addition to quantities of water released for diversion from Big Grizzly Creek pursuant to agreements between the Department of Water Resources and water users. Any changes in the minimum downstream releases agreed to by the Department of Water Resources and the Department of Fish and Game shall not become effective until and unless approved by the State Water Rights Board. (0430300)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JAN 5 1967

STATE WATER RIGHTS BOARD

L. K. Hill
L. K. Hill
Executive Officer